

Bold and single underline = new language since preliminary adoption

~~Bold, strikeout and single underline~~ = new language being stricken since preliminary adoption

RULE AS PRELIMINARY ADOPTED AND PROPOSED FOR FINAL ADOPTION WITH SUGGESTED CHANGES

TITLE 326 AIR POLLUTION CONTROL BOARD LSA Document #98-162

DIGEST

This rulemaking amends certain air pollution control rules at 326 IAC 8-4, concerning gasoline vapor recovery and 326 IAC 8-10-1 and 326 IAC 8-10-3 for the purpose of applying certain provisions of 326 IAC 8-10-3 to Vanderburgh County in order to reduce VOC emissions from automobile refinishing operations. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: September 1, 1996, Indiana Register (19 IR 3607).
Second Notice of Comment Period: August 1, 1997, Indiana Register (20 IR 3198).
Notice of First Hearing: August 1, 1997, Indiana Register (20 IR 3208).
Notice of Continuation of Summary/Response to Comments From First Comment Period: September 1, 1997, Indiana Register (20 IR 3510).
Date of First Hearing: November 5, 1997.
Proposed Rule and Notice of Public Hearing: January 1, 1998 (21 IR 1429)
Second Public Hearing: February 4, 1998.
Notice of Recall of Proposed Rule: June 1, 1998, Indiana Register (21 IR 3368).
Notice of Hearing for Re-Preliminary Adoption: June 1, 1998, Indiana Register (21 IR 3379).
Date of Hearing for Re-Preliminary Adoption: July 1, 1998.
Proposed Rule and Notice of Hearing to Re-Final Adopt: August 1, 1998, Indiana Register (21 IR 4254).
Date of Hearing to Re-Final Adopt: November 4, 1998.

326 IAC 8-4-1

326 IAC 8-10-1

326 IAC 8-10-3

SECTION 1. 326 IAC 8-4-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-4-1 Applicability of rule

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) **All sections of this rule shall** apply to sources of the types described in this rule located in Clark, Elkhart, Floyd, Hendricks, Lake, Marion, Porter, and St. Joseph Counties.

(b) Sections 4 through 7 of ~~this rule~~ and section 9 of this rule ~~shall~~ apply to sources of the types described in this rule located in Boone, Dearborn, Hamilton, Hancock, Harrison, Johnson, Morgan, and Shelby Counties.

(c) **On and after ~~July 1, 1998~~ May 1, 1999, section 6(a) through 6(c) and 6(h) of this rule applies to sources of the type described in section 6 of this rule, located in Vanderburgh County.**

(~~c~~) (d) Sections 2 through 5 of ~~this rule~~ and sections 7 through 9 of this rule ~~shall~~ apply to all new sources of the types described in this rule as of January 1, 1980.

(~~d~~) (e) Section 6 of this rule ~~shall apply~~ **applies** to any gasoline storage tank installed after July 1, 1989, at a gasoline dispensing facility, unless such facility is excluded under subsection (~~e~~) (f).

(~~e~~) (f) Section 6 of this rule shall not apply to gasoline dispensing facilities which have monthly gasoline throughputs of less than ten thousand (10,000) gallons per month and:

(1) were in existence prior to July 1, 1989; or

(2) are located at farms or private residences.

(Air Pollution Control Board; 326 IAC 8-4-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2538; filed Aug 11, 1989, 1:40 p.m.: 13 IR 7)

SECTION 2. 326 IAC 8-10-1, AS AMENDED AT 21 IR 4518, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-10-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) All sections of this rule apply to any person who:

(1) sells, offers for sale, or manufactures for sale in Clark, Floyd, Lake, or Porter County refinishing coatings; or

(2) owns, leases, operates, or controls a facility (as defined in 326 IAC 1-2-27) that refinishes motor vehicles or mobile equipment (as defined in section 2(31) and 2(30) of this rule) in Clark, Floyd, Lake, or Porter County.

(b) The following activities are exempt from this rule:

- (1) Application of aerosol coating products.
- (2) Graphic design application.
- (3) Touch-up coating application.

(c) This rule does not apply to individuals who own, lease, operate, or control a facility (as defined in 326 IAC 1-2-27) that refinishes three (3) or fewer motor vehicles per calendar year.

(d) The exemption provided by 326 IAC 8-2-9(b)(4) shall not apply to any facility subject to this rule.

(e) Sections 2 and 3(e) of this rule apply to any person who owns, leases, operates, or controls a facility (as defined in 326 IAC 1-2-27) that refinishes motor vehicles or mobile equipment (as defined in section 2(31) and 2(30) of this rule) in Vanderburgh County. *(Air Pollution Control Board; 326 IAC 8-10-1; filed Oct 3, 1995, 3:00 p.m.: 19 IR 194; filed Jul 14, 1998, 5:04 p.m.: 21 IR 4518)*

SECTION 3. 326 IAC 8-10-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-10-3 Requirements

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 3. (a) On and after November 1, 1995, each manufacturer or distributor of coatings or surface preparation products manufactured or distributed for use in Clark, Floyd, Lake, or Porter County shall comply with the following:

- (1) Except as provided in section 4(a)(2) of this rule, the volatile organic compound (VOC) content limits listed in section 4(b) of this rule.
- (2) The compliance procedures outlined in section 6(a) of this rule.

(b) On and after February 1, 1996, any person commercially providing refinishing coatings or surface preparation products for use in Clark, Floyd, Lake, or Porter County which were manufactured after November 1, 1995, shall comply with the following:

- (1) Except as provided in section 4(a)(2) of this rule, the VOC content limits listed in section 4(b) of this rule.
- (2) The compliance procedures outlined in section 6(b) of this rule.

(c) On and after May 1, 1996, any person applying any coating or surface preparation product in Clark, Floyd, Lake, or Porter County shall comply with the following:

- (1) The provisions of section 4(a) of this rule.
- (2) The work practice standards of section 5 of this rule.
- (3) The compliance procedures outlined in section 6(c) of this rule.
- (4) The test procedures in section 7 of this rule.
- (5) The control system operation, maintenance, and monitoring provisions in section 8 of this rule.
- (6) The record keeping and reporting provisions in section 9 of this rule.

(d) On and after May 1, 1996, no person shall solicit or require any refinishing facility to use a refinishing coating or surface preparation product that does not comply with the VOC content limits listed in section 4(b) of this rule unless that facility complies with section 4(a)(2) or 4(a)(3) of this rule.

(e) On and after ~~July 1, 1998~~ May 1, 1999, any person applying any coating or surface preparation product in Vanderburgh County shall comply with the following:

(1) The following requirements:

(A) Section 5(b) of this rule.

(B) Section 5(c)(5) through 5(c)(7) of this rule.

(C) Section 5(d)(1)(C) and 5(d)(1)(E) of this rule.

(D) Section 5(d)(2) through 5(d)(4) of this rule. The requirement to provide refresher training under section 5(d)(2) shall begin no later than July 1, 1999.

(2) On or before ~~July 1, 1998~~ May 1, 1999, the owner or operator of a refinishing facility that is subject to this rule and is located in Vanderburgh County shall submit to the agency a statement signed by a responsible official of the facility, certifying that the facility will continuously comply with all the applicable requirements of this rule. The statement is a record to be kept in accordance with section 9(d) of this rule.

(3) The record keeping and reporting provisions in the following:

(A) Section 9(c)(1) of this rule.

(B) Section 9(c)(3) of this rule.

(C) Section 9(d) through 9(e) of this rule.

(Air Pollution Control Board; 326 IAC 8-10-3; filed Oct 3, 1995, 3:00 p.m.: 19 IR 197)